

W 01580A-07-0707

W 01580A-08-0209



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ARIZONA CORPORATION COMMIS

ORIGINAL

UTILITY COMPLAINT FORM

Investigator: Brad Morton

Phone: [REDACTED] 12: 52

Fax: [REDACTED]

Priority: Respond Within Five Days

Opinion No. 2008 - 71266

Date: 9/8/2008

Complaint Description: 08A Rate Case Items - Opposed
N/A Not Applicable

Complaint By: First: Jerry Last: Lewinson

Account Name: Jerry Lewinson

Home: [REDACTED]

Street: [REDACTED]

Work:

City: Payson

CBR:

State: AZ Zip: 85541

is:

Utility Company: Tonto Village Water Company, Inc.

Division: Water

Contact Name: [REDACTED]

Contact Phone: [REDACTED]

Nature of Complaint:

Docket No W-01580A-07-0707

Jerry Lewinson

[REDACTED]
V [REDACTED]
email: environmentalqualitycontrolyahoo.com

Arizona Corporation Commission
DOCKETED

SEP 15 2008

DOCKETED BY [Signature]

August 27, 2008,

Arizona Corporation Commission Utilities Division 1200W. Washington Street Phoenix AZ 85007

Attention: Docket Control

Re: Filing a new water quality complaint docket against Tonto Village Water Co.

As an 11 year property owner, a customer of Tonto Village Water Co. and owner of Environmental Quality Control LLC, a waste water engineering and installation contractor, I hereby request the filing of a new water quality complaint docket against Tonto Village Water Co.

I am gravely concerned over the quality of the water delivered to my family and neighbors and the level of resources such as tanks, wells and infrastructure available to our community. I am in the business of septic repair and engineering of new systems and have serious concerns about water quality violations. I have spent countless hours in meetings and seminars sponsored by the Arizona Department of Environmental Quality (ADEQ), and have become certified and trained in their wastewater engineering and installation practices, which includes recognizing dangerous situations arising from improper or inadequate installation of septic systems.

I have had discussions with numerous homeowners and contractors who have had hands on experience in repairing or observing breaks in the Tonto Village water distribution system over the years. The infrastructure is constructed with flimsy "Japanese Ranch Pipe"; which is 1/16" thick brittle and considered to be an irrigation material. This pipe was purchased by the owners directly from Japan and installed in the 1950's and poses a

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severe liability and health threat This pipe is not a standard size and no conventional PVC or regulation piping will glue to it.

The repairs are typically made with rubber boots secured with band clamps, that cannot be screwed too tight or it will crack the pipe. Over the years the rubber and or band clamps deteriorate allowing seepage that may in many cases be undetectable at the surface. In questioning some of the Company's past employees and contracted repair personnel, as many as 5 breaks a year may be typical. Servicing leaks is very frustrating because the repairs are dubious at best Some repairs had to be redone multiple times due to ground movement causing consequential leaks.

This piping is extremely vulnerable to abrasion and cracks due to expansion and contraction of the clay soils cause by temperature changes and seasonal saturation. One of the repair personnel of the water company said that it is not uncommon for a small rock to migrate next to the pipe and eventually etch its way through the thin wall. The leaks may be so small as to not be noticed for a considerable amount of time, but when the system has pressure fluctuations or repairs it can siphon in the surrounding septic contaminated soil and expose residents to e-coli. How many old patches are failing over the last 50 years underground?

Tonto Village has a high profile history of septic system violations due to the small lot size and poor quality high clay soils, affecting both residents and the water resources. There is a very high probability of cross-contamination of septic saturation and potable water. I have met with all the Gila County wastewater engineers since 1995 regarding the septic failures in Tonto Village, which has historically been a problem for them. Also ADEQ has acknowledged that this area is widely known for serious septic problems. There have been numerous cases of system failure including surfacing, saturation and drift outside of the designated leach field areas into the areas containing the fragile water mains that have had numerous breaks over the years.

The cross-contamination issue caused by bad piping and bad repair procedures, coupled with the severe potential e-coli problems, needs to be immediately subject to discovery processes at the Arizona Corporation Commission (ACC), so corrective orders can be issued by the Commissioners to protect our citizens. A copy of this letter is being provided to appropriate ADEQ staff members to request immediate action on their part to resolve this health threat ADEQ has already come to our Village once to evaluate the possibility of excessive chlorine levels being injected that may be masking the real results of cross-contamination.

For years the Standages have said that they want to sell their water company and recommended that the residents of Tonto Village set up a water improvement district (District) and a board of directors for the sole purpose of purchasing and operating the village wells and delivering water to village residents. The District was formed last year and a board of directors elected by a vote of the citizens of Tonto Village in November of 2007. The sole purpose of the Board is to purchase the Company's assets and establish priorities and a strategy that would provide adequate supply of SAFE water. Since being seated in January the Board has been actively offering to negotiate with the Company and to date has been met with only delay tactics.

The Company states that they will install a new well. If they pursue this in the same manner that they have maintained the water company to date I would seriously doubt that they will spend the time and money to obtain a sound geological study to determine the most advantageous location, geology and depth required for a successful outcome. And any attempt to drill a haphazard well, in close proximity to an existing well, and with no scientific study or deep well research, will likely result in wasted money, in which case I and others will contest commensurate rate increases, due to Tonto Village Water Co. cutting corners.

Even though the new well is important to guarantee an adequate water supply I feel that the exposure of the residents to unhealthy water due to over-chlorination, cross-contamination potential caused by poor piping quality and location to be even a more immediate issue. I as well as many residents request the replacement of the infrastructure to be the next priority in line for an Arizona Corporation Commission required improvement

I have been in contact with a number of residents that are now finding out that they have similar symptoms due to exposure from high levels of chlorination. Two of their complaint letters are attached and others are coming.

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We are in the process of obtaining corroborating comments from their physicians. A few of them mentioned to me that their garden hoses would initially foam when they turned them on. From discussions with others familiar with chemical reactions this may very well be a byproduct of chlorine mixing with organics, possibly from cross contamination in the piping. Further field testing may reveal serious exposure to consequential production of trihalomethanes (THM's). After discussions with the residents we desire a formal evidentiary hearing and to consider the high risks and possible violations of safe drinking water practices in exposing the residents to continuous over chlorination which may be a cover-up of bacterial exposure due to the dangerous infrastructure.

If the Tonto Village Water Co. is over chlorinating due to the concern of exposure to bacteria due to cross-contamination then they need to provide and maintain, at their expense, whole house filtration systems to all residents to protect them from the chemicals in the interim until the new piping is installed.

The Standages have indicated, in public meetings, that they want to sell the capital stock of the Company to the District. I believe this may carry potential liabilities due to exposure to high levels chlorine or any of its byproducts or if any serious illness becomes tied to the bacterial infiltration of the distribution lines. This type of liability is one of the reasons that the District should only be interested in purchasing the operating assets, not capital stock. The ACC and ADEQ should act in a timely manner to contain any legal actions to the Tonto Village Water Co.

I have notified all the parties (see attached service list) including the Company of this complaint. Please notify me at once if there are any concerns or questions related to this request and of your date of docketing the 13 copies of this letter (see attached return envelope) and of the date of granting this request. Please contact me within seven days as to what specific corrective action you plan to take. Your urgent response is required to protect the health of several hundred people. On-site follow-up by the ADEQ field compliance staff is requested within the next 48 hours. Your assistance in this important matter will be greatly appreciated.

Cordially,
Jeny Lewinson

Service List For. Tonto Village Water Company, Inc.
Cc: Ronald Standage
Tonto Village Water Company, Inc. P.O. Box 9116 Mesa, AZ 85214

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End of Complaint

Utilities' Response:

n/a
End of Response

Investigator's Comments and Disposition:

Called consumer, confirmed receipt of document and confirmed he wants this as part of rate case. Explained difference between this and a formal complaint and he agrees it should be an opinion.
End of Comments

Date Completed: 9/11/2008

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